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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7
8 UNITED STATES OF AMERICA,

2:12-CR-116 JCM (RJJ)

9 Plaintiff(s),

10 v.

11 YVONNE CHACON,

12 Defendant(s).
13

14 **ORDER**

15 Presently before the court is George R. Carter's ex parte motion to withdraw as counsel for
16 defendant Yvonne Chacon. (Doc. # 11).

17 Defendant retained Mr. Carter to represent her in this matter in March 2012. (Doc. # 11, 2:8).
18 Defendant appeared before the court on June 11, 2012, and pleaded guilty to two counts of the
19 information which charged defendant with mail fraud under 18 U.S.C. § 1341. (Doc. # 6). Mr. Carter
20 represented defendant at this appearance.

21 The declaration accompanying the motion to withdraw as counsel asserts that defendant
22 contacted Mr. Carter asking him to "get off of Defendant's case." (Doc. # 11, 2:11). Without more,
23 the court cannot determine whether there has been a breakdown in communication sufficient to
24 require substitution of new counsel. *See United States v. Nguyen*, 262 F.3d 998, 1005 (9th Cir.
25 2001); *see also United States v. Moore*, 159 F.3d 1154, 1159-60 (9th Cir. 1998).

26 A sentencing hearing is currently scheduled in this matter for September 11, 2012, at 10:00
27 a.m. Mr. Carter states that he has informed the prosecutor in this case, Brian D. Pugh, of this
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1 situation and Mr. Pugh has agreed to stipulate to a short continuance. (Doc. # 11, 2:16-18).

2 The court finds this matter appropriate for an ex parte hearing.

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that Mr. Carter's ex parte
4 motion to withdraw as counsel for defendant Yvonne Chacon (doc. # 11) is set for an ex parte
5 hearing on **Tuesday, September 11, 2012, at 10:00 a.m.**

6 DATED September 7, 2012.

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9 UNITED STATES DISTRICT JUDGE